

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Land O'Lakes Purina Feed LLC,

Civil No. 09-2826 (JMR/JJG)

Plaintiff,

v.

Tucker Commodities, Inc.,

Defendant.

**REPORT
AND
RECOMMENDATION**

Plaintiff initiated this action on October 13, 2009 and a summons was issued. On January 8, 2010, the summons was returned unexecuted. Through an order on April 14, 2010, this Court required Plaintiff to provide proof of service. By a letter on April 19, 2010, Plaintiff asked for more time to accomplish service, and in an order on April 20, 2010, this Court granted Plaintiff until June 21, 2010 to do so.

That deadline passed without incident. Through another order on July 13, this Court gave Plaintiff until July 23, 2010 for service, or this Court would recommend that this litigation be dismissed without prejudice. Once again, there has been no further action from Plaintiff. Being duly advised of all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this matter be **DISMISSED WITHOUT PREJUDICE**.

Dated this 19th day of August, 2010.

s/ Jeanne J. Graham

JEANNE J. GRAHAM
United States Magistrate Judge

NOTICE

Pursuant to Local Rule 72.2(b), any party may object to this report and recommendation by filing and serving specific, written objections by **September 3, 2010**. A party may respond to

the objections within fourteen days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. The district court judge shall then make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall forfeit review in the United States Court of Appeals for the Eighth Circuit.